



**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION  
WEDNESDAY, JULY 27, 2022  
AT 6:30 P.M.**

**1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING**

Chair Aspinall called the regular meeting of the Upland Planning Commission to order at 6:33 p.m. in the Council Chambers of the Upland City Hall.

**2. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Commissioner Caldwell.

**3. ROLL CALL**

Present: Chair Aspinall, Vice Chair Grahn, Commissioners Caldwell and Johnson.

Absent: Commissioners Mayer and Staton.

Staff present: Development Services Director and Planning Commission Secretary Dalquest, Planning Manager Farris, Senior Planner Winter, Associate Planner Sisk, City Attorney Maldonado, and Administrative Assistant Garcia.

**4. APPROVAL OF MINUTES**

It was moved by Commissioner Caldwell, seconded by Chair Aspinall and carried on a vote of 3-0-1 with Vice Chair Grahn abstaining, Commissioners Mayer and Staton absent, and one vacancy, to approve the Minutes of the Planning Commission meeting of July 27, 2022, as amended.

**5. COUNCIL ACTIONS**

Development Services Director Dalquest indicated City Council meetings were held on June 13, 2022, June 27, 2022, July 11, 2022, and July 25, 2022.

Development Services Director Dalquest stated on June 13th, the City Council ratified Mayor Velto's appointments to the Planning Commission, in which Robin Aspinall was reappointed to the Commission and Brian Staton was appointed. He indicated during the same meeting, the City Council approved the purchase and sale agreement of a 650 sq. ft. portion of a parking lot in Downtown Upland, to be used for outdoor dining.

During the meeting on July 11th, Development Services Director Dalquest indicated the City Council approved a distribution of ARPA (American Rescue Plan Act) funds in the amount of \$325,000 for the new Catch-UP program, geared to assist business owners with behind rents.

During the meeting on July 25th, Development Services Director Dalquest indicated the City Council revisited the topic of the Planning Commission interview process and after reviewing many options, decided to make the interview panel and ad hoc committee that would disband after a candidate is appointed.

Chair Aspinall stated the resignation of Patrick Shim created a vacancy on the Planning Commission and the selection of the new Commissioner would be subject to the new interview process.

## **6. FUTURE AGENDA ITEMS**

Planning Manager Farris reported two future agenda items for the month of August; a residential specific plan known as "Rose Glen" and an amendment to the Historic Downtown Upland Specific Plan that would address regulations on storage and outdoor merchandise display.

## **7. ORAL COMMUNICATIONS**

Chair Aspinall opened oral communications. There being no remote or in-person speakers, Chair Aspinall closed oral communications.

## **8. PUBLIC HEARINGS**

### **A. TENTATIVE PARCEL MAP NO. 20558 (TPM 22-0001)**

Project: Consideration of a Resolution approving Tentative Parcel Map No. 20558 (TPM 22-0001) to subdivide 2.81 acres into two parcels, consisting of a 1.53-acre parcel and a 1.28-acre parcel. The property is within the general plan designation of Multi-Family Residential Medium (20-30 du/ac MFR-M) and zoning designation of Residential Multi-Family Medium (RM-30) District and is located at 867 E. 11<sup>th</sup> Street (APN: 1046-102-14) (Staff Person: Jacqueline Sisk).

CEQA Determination: This Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 of the CEQA Guidelines (Minor Land Divisions).

Applicant: Greg Powers

Appeal Period: The Planning Commission decision is final. An appeal period to contest this decision is July 28, 2022, to August 8, 2022.

Associate Planner Sisk presented the staff report, along with a PowerPoint Presentation which is on file in the Development Services Department.

Chair Aspinall opened the public hearing.

Applicant Greg Powers introduced himself to the Commission and clarified that vacant portion of the existing lot has always been vacant to his recollection.

Natasha Walton, resident, requested an Initial Study be conducted if there will be multi-family residential development on the property, and asked the Commission to be forward thinking with respect to bike lanes, pedestrian access, crosswalks, additional transportation options, and open space requirements above the minimum.

Development Services Director Dalquest confirmed there is no proposed development at this time, and the Planning Commission is only considering a tentative parcel map to subdivide the lot into two parcels.

Philip Montgomery, resident, confirmed that a large portion of the existing lot is currently vacant and suggested either keeping it vacant or creating a parking lot for San Antonio Regional Hospital staff; also asked that the surrounding parking be considered.

There being no other speakers, Chair Aspinall closed the public hearing.

The Planning Commission inquired whether a parking assessment was done in the area and asked for clarification of the location of the alley vacation.

Dalquest clarified a parking study is only completed with a project and is not required of a tentative parcel map, however he confirmed that the apartments located to the west had a parking assessment done as part of the review and approval of that previous entitlement and met the parking requirements.

Applicant Greg Powers confirmed that the alley vacation was located at the southern end of the lot.

It was moved by Commissioner Caldwell, seconded by Vice Chair Grahn and carried on a vote of 4-0 (Commissioners Mayer and Staton absent, and one vacancy) to approve Tentative Parcel Map No. 20558 (TPM 22-0001).

## **B. ZONING CODE AMENDMENT NO. 22-0001**

**Project:** Consideration of a Resolution recommending to the City Council adoption of an Ordinance amending Upland Municipal Code Table 17.04-1 (Permitted Land Uses in the Residential Zones), Table 17.05-1 (Permitted Land Uses in the Mixed-Use Zones), Table 17.06-1 (Permitted Land Uses in the Commercial Zones), Table 17.07-1 (Permitted Land Uses in the Industrial Zones), Table 17.08-1 (Permitted Land Uses in the Special Purpose Zones), Chapter 17.29 (Massage Therapy), and Chapter 17.51 (Definitions), and adding Chapter 17.42.5 (Smoke Shops) to: 1) Establish a definition and regulations for Smoke Shops; 2) Amend permitted land use tables to require a Conditional Use Permit for new Smoke Shops in specified mixed-use and commercial zones; 3) Amend the definition for Smoke Lounge/Tobacco Shop/E-vape/Hookah to remove reference to Tobacco Shops; 4) Amend the land use tables to remove Smoke Lounge/E-Vape/Hookah Lounge as a conditionally permitted use in the Office Professional zone; and 5) Amend Chapter 17.29 for Massage Therapy to require a Conditional Use Permit in designated mixed use and commercial zones (Staff Person: Lorelee Farris).

**CEQA Determination:** The proposed amendment is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines §15601(b)(3), which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

**Applicant:** City of Upland

Appeal Period: There is no appeal period, the Planning Commission's decision is a recommendation to the City Council.

Planning Manager Farris presented the staff report, provided an overview of the previous workshop discussion and direction of the Planning Commission, and presented a PowerPoint Presentation which is on file in the Development Services Department.

The Planning Commission inquired about the regulations for legal non-conforming uses, should new ordinances cause any businesses to be legally non-conforming due to adding a new Conditional Use Permit requirement.

Planning Manager Farris provided clarification on the provisions of Chapter 17.31 of the Upland Municipal Code on non-conforming uses, indicating that legal non-conforming uses may continue operational as-is and change ownership, but noted that there were limitations on expansion, relocation, and the discontinuation of the use for 6 months that would require a use to comply to current requirements.

Chair Aspinall opened the public hearing.

Kevin McCreary, business owner, spoke to the permitting process they went through to establish their existing massage establishment and inquired whether the changes would be additional to the Massage Operators Permit.

There being no other speakers, Chair Aspinall closed the public hearing.

It was moved by Vice Chair Grahn, seconded by Commissioner Caldwell and carried on a vote of 4-0 (Commissioners Mayer and Staton absent, and one vacancy) to approve recommendation to City Council the adoption of an Ordinance amending Upland Municipal Code regarding smoke shops and massage therapy.

### **C. ZONING CODE AMENDMENT NO. 22-0002**

Project: Consideration of a Resolution recommending to the City Council adoption of an Ordinance amending Upland Municipal Code 17.15.130 (Political Campaign Signs – General), specifically deleting subsection "C" which limits the number of political signs to one (1) sign per site. (Staff Person: Joshua Winter)

CEQA Determination: The proposed amendment is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines §15601(b)(3), which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

Applicant: City of Upland

Appeal Period: There is no appeal period, the Planning Commission's decision is a recommendation to the City Council.

Senior Planner Winter presented the staff report, along with a PowerPoint Presentation which is on file in the Development Services Department.

The Planning Commission discussed constitutional protections regarding the number of signs allowed on one parcel, penalties for signs that aren't removed, and asked for clarification regarding oppositional signs.

Deputy City Attorney Maldonado confirmed the City cannot regulate speech or limit the number of signs but can address other regulations regarding other parameters that need to be adhered to such as height and size.

Chair Aspinall opened the public hearing.

Natasha Walton, resident, expressed her opposition to eliminating a requirement of one political sign per site, and that allowing one political sign per issue or candidate would allow freedom of speech, and suggested different guidelines for apartments to prevent urban blight. Walton opined eliminating this provision may favor those with money who can afford more signs and suggested a limitation of one sign per dwelling.

Deputy City Attorney Maldonado spoke to California case law where the court found that the limitation on the number of political signs posted on a single property was not permissible.

There being no other speakers, Chair Aspinall closed the public hearing.

The Planning Commission discussed whether property owner approval was required to post signs on a parcel; trespassing issues with posting signs on the properties of others; the time period for which political signs can be posted; political signs affixed to fences, poles or vacant lots; and code enforcement impacts on regulating compliance with the political sign ordinance.

It was moved by Commissioner Caldwell, seconded by Commissioner Johnson and carried on a vote of 4-0 (Commissioners Mayer and Staton absent, and one vacancy) to continue the public hearing to the next regular meeting on August 24, 2022, regarding the recommendation to City Council the adoption of an Ordinance amending Upland Municipal Code regarding political signs.

## **9. WORKSHOP**

- A. Public workshop to discuss an amendment to the Upland Municipal Code regarding regulations for freeway signs. (Staff Person: Robert D. Dalquest)

Development Services Director Dalquest presented the staff report, along with a PowerPoint Presentation which is on file in the Development Services Department.

The Planning Commission discussed Caltrans regulations for freeway signs and electronic changeable copy signs; the City's approval body for freeway signs; appropriate freeway sign heights based on a comparison of adjacent cities and the Sycamore Hills and Colonies Specific Plan along Interstate-210; the appropriateness of freeway signs for large commercial centers that do not directly abut the freeway; integration of freeway signs into comprehensive master sign programs for commercial centers; and the potential for creating a range of height regulations based on property size and frontage length.

Rick Batt, with Sign Specialist Corporation, shared his history in the sign industry, and expressed concern that freeway adjacent businesses were disadvantaged in Upland because surrounding cities have sign regulations that allow for taller sign

heights, and that regulations should take into consideration the amount of freeway frontage a property has.

Sean Murray, representative for ownership the Upland Freeway Center, advocated for freeway sign heights of 35 feet, expressed the importance of freeway visibility for tenants.

Brian Martini, representative for the ownership of Mountain Green Shopping Center, shared challenges with a lack of freeway visibility, and asked the Commission to consider large centers within a certain range of the freeway to have a freeway sign.

Natasha Walton, resident, spoke in opposition of increasing the maximum freeway sign height requirement, expressed concerns regarding the aesthetic impact of taller freeway signs and how they may affect views of the mountains, and the appropriate CEQA review.

**10. BUSINESS ITEMS** - none.


**11. PLANNING COMMISSION COMMENTS** – none.

**12. ADJOURNMENT**

It was moved by Commissioner Johnson, seconded by Commissioner Caldwell, and carried on a vote of 4-0 (Commissioners Mayer and Staton absent, and one vacancy) to adjourn the meeting.

At 8:48 p.m., Chair Aspinall adjourned the meeting. The next regularly scheduled Planning Commission meeting is Wednesday, August 24, 2022.

**SUBMITTED BY**

  
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Robert D. Dalquest, Secretary

**APPROVED**

August 24, 2022